

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE TREMONT SECURITIES LAW, :
STATE LAW AND INSURANCE :
LITIGATION : Master File No.
 : 08 Civ. 11117 (TPG)
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This Document Relates to: :
Insurance Action, 09 Civ. 557 (TPG), :
Specifically to: :
 :
CUMMINS INC., as the authorized representative : 10 Civ. 9252 (TPG)
of the Cummins Inc. Grantor Trust dated :
September 10, 2007, as amended, :
 :
Plaintiff, : ECF Case
 : Electronically Filed
 :
- against - :
 :
NEW YORK LIFE INSURANCE COMPANY, et :
al., :
 :
Defendants. :
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NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law dated January 31, 2012 and all other pleadings filed in this action, defendant Oppenheimer Acquisition Corp. will move this Court before the Honorable Thomas P. Griesa, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time to be designated by the Court, for an order (a) dismissing with prejudice all claims against it contained in Plaintiff's Amended Complaint, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil

Procedure, and (b) granting such other and further relief as the Court deems just and proper.

Dated: New York, New York
January 31, 2012

DECHERT LLP

By: /s/ William K. Dodds
William K. Dodds
william.dodds@dechert.com
David A. Kotler
david.kotler@dechert.com
1095 Avenue of the Americas
New York, New York 10036
Tel.: (212) 698-3500
Fax: (212) 698-3599

*Attorneys for Defendant
Oppenheimer Acquisition Corp.*

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